

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.:	10/644,465	Confirmation No.:	5945
Applicant(s):	Henry Marshall Israel et al.	Group Art Unit:	3731
		Examiner:	Thaler, Michael H.
Filed:	August 20, 2003		
		Customer No.:	27123
For:	FLEXIBLE EXPANDABLE STENT		

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(C)  
TO OBVIATE PROVISIONAL DOUBLE PATENTING REJECTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Identity of Assignee**

The petitioner, Medinol, Ltd., having a business address at P.O. Box 58165, Kiryat Atidim, Building 7, 5<sup>th</sup> Floor, Entrance A, Tel Aviv, ISRAEL 61581 is the owner of the entire right, title and interest in the above-identified application, Serial No. 10/644,465, by virtue of an assignment recorded on January 5, 2004, at Reel/Frame No(s) 014859/0324. The petitioner is also the owner of the entire, right, title and interest in U.S. Patent Nos. 6,635,084, 6,461,381, 5,972,018, 5,843,120 and 5,733,303.

**Identification of Person(s) Making This Disclaimer**

Name of disclaimant: Keith J. McWha. Disclaimant represents that he/she is a Registered Patent Attorney, Registration No. 44,235, and an Attorney of Record for the above-identified application, and authorized to sign on behalf of the assignee identified above.

Extent of Interest

The extent of assignee's interest is in the whole of this invention.

Declaration Under 37 C.F.R. 3.73(b)

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer

The petitioner, through its Attorney of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of United States Patent Nos. 6,635,084, 6,461,381, 5,972,018, 5,843,120 and 5,733,303. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patents 6,635,084, 6,461,381, 5,972,018, 5,843,120 and 5,733,303 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patents 6,635,084, 6,461,381, 5,972,018, 5,843,120 and 5,733,303, in the event that any of U.S. Patents 6,635,084, 6,461,381, 5,972,018, 5,843,120 and 5,733,303 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a

reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Fee Status

(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

☒ large entity--fee \$130.00

☐ small entity--fee \$65.00

Fee Payment

☐ Attached is a check in the sum of \$ .

☒ Charge Deposit Account **13-4500**, Order No. 4303-4024US9 any fee required by this paper.


AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Terminal Disclaimer under 37 C.F.R. §§1.16 -§1.20 or credit any overpayment to Deposit Account No. **13-4500**, Order No. 4303-4024US9. A

**DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.**

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: June 25, 2007

  
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Keith J. McWha  
Registration No. 44.235

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